

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISIONUNITED STATES OF AMERICA)
)
v.) CR. NO. 2:06-cr-89-WKW
) (WO)
FREEMAN STEVENSON, JR.)**O R D E R**

On October 6, 2006, Defendant Freeman Stevenson, Jr. ("Stevenson") filed a Motion for Continuance. (Doc. # 56.) While the granting of a continuance is left to the sound discretion of the trial judge, *United States v. Warren*, 772 F.2d 827, 837 (11th Cir. 1985), the court is, of course, limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Speedy Trial Act provides generally that the trial of a defendant in a criminal case shall commence within 70 days of the latter of the filing date of the indictment or the date the defendant appeared before a judicial officer in such matter. 18 U.S.C. § 3161(c)(1). *See United States v. Vasser*, 916 F.2d 624 (11th Cir. 1990).

The Act excludes from this 70 day period any continuance that the judge grants "on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

In Stevenson's motion to continue, his counsel asserts that additional time is necessary to prepare for trial because he was recently retained as Stevenson's counsel and is unavailable for trial during the undersigned's October 16, 2006, criminal term. Consequently, the court concludes that a continuance of this case is warranted and that the ends of justice served by

continuing this case outweighs the best interest of the public and the defendant in a speedy trial. *See United States v. Davenport*, 935 F.2d 1223, 1235 (11th Cir. 1991) (reasonable time necessary for effective preparation is a significant factor for granting a continuance under the Speedy Trial Act).

Accordingly, it is hereby ORDERED that:

1. The motion to continue trial (Doc. # 56) is GRANTED.
2. The trial of this case is continued from the October 16, 2006, trial term to the January 8, 2007, trial term.
3. The Magistrate Judge conduct a pretrial conference prior to the January 8, 2007, trial term and enter a pretrial conference order.

DONE this 12th day of October, 2006.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE